

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-20451

JAY SCHWARTZ,

Defendant.

**ORDER DIRECTING PARTIES TO RESPOND
TO OBJECTIONS TO THE PRESENTENCE REPORT**

The court recently received a copy of the presentence report prepared by the Probation Department. (See ECF No. 100.) The court notes that the addendum to the presentence report contains a number of objections regarding the report, raised by Defendant and the Government parties, that remain unresolved. The court's standing order requires that "[i]n the event that a party identifies objections (controverted items) which are not accepted by the probation officer, and which are therefore to be resolved by the court, both parties shall prepare to respond in writing." (ECF No. 13, PageID.40.) "[T]he non-objecting party shall respond to each objection, setting forth the party's position in agreement or disagreement with the objection, and specifying at least these things: . . . [t]he factual or legal basis on which the response rests [and] . . . [w]hether or not the party intends to present witnesses in support of a sentencing position." (*Id.*) Such responses are then included in a revised addendum. In the present matter, the court believes that such responses will assist the court in making a determination on each of the outstanding objections at the sentencing hearing. Accordingly,

IT IS ORDERED that both the Government and Defendant are DIRECTED to submit to the probation officer, by **May 18, 2022**, a response in writing to responding to the opposing party's outstanding objections, with copies furnished to all parties. Such written responses shall not be filed on the docket.

IT IS FURTHER ORDERED that the probation officer shall promptly prepare a revised version of the presentence report addendum containing the responses for the court's review before the sentencing hearing.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 4, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 4, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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